

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13-CV-00283-FDW**

**KEITH A. TREADWAY,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,**

**Acting Commissioner of Social Security,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on upon Defendant Acting Commissioner of Social Security Carolyn W. Colvin's Consent Motion for Remand to the Social Security Administration (Doc. No. 13). Pursuant to sentence four of 42 U.S.C. section 405(g), the Motion is hereby GRANTED, Defendant's decision is VACATED, and the cause is REMANDED to Defendant for further administrative proceedings.

Upon remand by this Court, the Appeals Council will remand this matter to the Administrative Law Judge ("ALJ"). Upon remand, the ALJ shall be instructed to: (1) obtain evidence from a medical expert to assist in clarifying the severity of Plaintiff's physical impairments, and provide an opinion as to the onset date of disability (Social Security Ruling 83-20 and 96-6p); (2) obtain supplemental vocational expert evidence to determine if there are jobs that exist in significant numbers in the national economy that Plaintiff can perform, in doing so, the ALJ will ask the vocational expert to identify examples of appropriate jobs, state the incidence of such jobs in the national economy, and provide *Dictionary of Occupational Titles* numbers for each job identified; and (3) consider the new evidence submitted to the Appeals Council. Additionally, the ALJ will offer the claimant the opportunity for a hearing, take any

further action needed to complete the administrative record, and issue a new decision.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings and with Plaintiff's consent, this Court hereby:

- (1) VACATES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991);
- (2) The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure;
- (3) The Motion to Remand (Doc. No. 3) is GRANTED; and
- (4) Plaintiff's Motion for Summary Judgment (Doc. No. 12) is DENIED as moot.

IT IS SO ORDERED.

Signed: May 19, 2014

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

